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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,293	05/12/2001	L. Evelyn Shaw-Sinclair		8060

7590

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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,293

Applicant(s)

SHAW-SINCLAIR, L. EVELYN

Examiner

Uyen-Chau N. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 1-3 and 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Re claim 1: the term "such as" in line 3 renders the claim vague and indefinite.

Re claim 2: the term "such as" in lines 3 and 15 renders the claim vague and indefinite.

Re claim 3: claim 3 is dependent on claim 2 and therefore likewise rejected.

Re claim 5: the term "such as" in line 3 renders the claim vague and indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al (US 5,923,835) in view of Ogasawara (US 6,386,450).

Re claims 1-6, Swartz et al discloses a system for assembling, accessing and maintaining a portable personal inventory comprising a hand-held controller device 1 providing data processing circuitry 58, a power supply 52; a display 4, a means for manual data entry such as a touch screen 4, a barcode scanner 56 for scanning barcodes, a software enabling the controller 58 to accept data input entered by the means of manual data entry, offering information in human-readable form on the display 4, which the software decodes by acting upon one or more custom databases, to be supplied by any of a multitude of sources offering preexisting databases or from purpose-built databases; a machine-readable memory store 55 including at least one integral custom-made decoding database; at least one dynamic memory storage area [EEPROMs/EPROMs/RAMs], the dynamic memory storage area storing one or more editable databases, including a plurality of inventory identification codes; incorporating software enabling access to the dynamic databases to allow them to be edited in order to keep them up to date and to allow them to be queried in order to display information for the user; a portal for digital communication whereby the controller may communicate with other devices via one or more of number of commonly used means such as a wireless link; at least one dynamic database not associated with a barcode translation database, whereby data relating to a multitude of household inventory items, entered manually or electronically, may be stored (figs. 1-4; col. 5, line 20 through col. 8, line 55).

Swartz et al fails to teach or fairly suggest that the barcode scanner enable to read Universal Product Codes.

Ogasawara teaches the above limitation with a hand-held barcode scanner 15 is a Universal Product Code barcode scanner (col. 5, lines 5-12).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ogasawara into the teachings of Swartz et al in order to provide Swartz et al with a more universal system wherein the system can read/scan multiple types of barcodes.

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Furthermore, such modification would have been an obvious extension as taught by Swartz et al, and therefore an obvious expedient.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Ruppert et al (US 5,424,524); O'Hagan et al (US 5,821,513); Tracy et al (US 5,979,757); Sherman et al (US 5,484,991); and Petrovich et al (US 6,101,483) are cited as of interest and illustrate a similar structure to personal inventory management system.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on M, W, F, SAT 6:00-11:00 and T, TH 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Uyen-Chau N. Le

November 4, 2002



KARL D. FRECH
PRIMARY EXAMINER